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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/626,648	07/27/2000	Kirk Bingeman	LET/03X	2731
27557	7590	06/29/2004	EXAMINER	
BLANK ROME LLP 600 NEW HAMPSHIRE AVENUE, N.W. WASHINGTON, DC 20037			CHEUNG, MARY DA ZHI WANG	
			ART UNIT	PAPER NUMBER
			3621	

DATE MAILED: 06/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/626,648

Applicant(s)

BINGEMAN ET AL.

Examiner

Mary Cheung

Art Unit

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*llh*

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Status of the Claims***

1. This office action is in response to the amendment filed on March 15, 2004 Claims 1-11 are pending.

### ***Response to Arguments***

2. Applicant's arguments filed March 15, 2004 have been fully considered but they are not persuasive.

The applicant's arguments are based on believing the supplied prior art fails to teach "invoking a gratis trail period less than an entire round of play of the course...", in particular the applicant's argues it is not obvious to include this limitation to modified Germain's teaching (U. S. Patent 5,319,548). In response to the arguments, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, providing free trials for potential customers is commonly used approach for companies to promote their products or services to the potential customers. Thus, Examiner believes the rejections are proper.

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***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fisher, U. S. Patent 5,507,485 in view of Germain, U. S. Patent 5,319,548 in further view of Fano, U. S. Patent 6,317,718.

As to claim 1, Fisher teaches a method for administering use of a golf course information system implemented in a golf cart or other roving units with display monitor adapted to provide display of any of all of course and hole layout, course features and distance information to assist a golfer in play of the golf course, or of specific information of interest to the individual from external networks including tournament and

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individual scoring to enhance the golf experience (abstract and column 4 lines 20-65 and column 5 lines 52-54 and Fig. 5).

Fisher does not specifically teach invoking a gratis trial period less than an entire round of play of the course during which the cart display of such information is activated for a golfer commencing use of the cart, and automatically rendering said cart display of such information inactive at the end of said gratis trial period unless, by that point of play, a payment authorization for completion of the round with activated cart display has been made by a golfer using the cart. However, the similar matter is taught by Germain as a golf course information system sets up account information for each golfer, each golfer is required to have sufficient payment or payment authorization for playing golf (column 11 line 13 – column 12 line 23 and Figs. 6-7). Germain does not specifically teach providing a gratis trial period less than an entire round of play of the course for the player. It would have been obvious to one of ordinary skill in the art to allow the Germain to provide a gratis trial period less than an entire round of play of the course for each golfer because it would attract more golfers to use the system. It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the Fisher to include a gratis trial period for each golfer, and after the trial period, the golfer require to pay for using the system as taught by the modified method of Germain because it would attract more golfers to use this golf course system, and it would also easier for the owner of the golf course system to collect money from the golfers for using the system.

The method of Fisher modified by Germain does not specifically teach the golf course information system includes providing stock quotations and electronic mail for enhance the golf experience. Fano teaches a global positioning system comprising functions of providing stock quotations and electronic mail (column 9 lines 34-36 and column 29 lines 62-63). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the method of Fisher modified by Germain to include the feature of receiving stock quotations and email for external networks so that the golfers would not miss important information while playing golf.

As to claim 2, the method of Fisher modified by Germain teaches providing the golfer with a capability to enter a payment authorization during or at the end of said gratis trial period (Germain: column 11 line 13 – column 12 line 23 and Figs. 6-7 and see claim 1 above).

As to claim 3, the method of Fisher modified by Germain teaches providing a capability to enter payment authorization comprises outfitting the cart with said capability (Fisher: column 5 lines 52-54; Germain: column 11 line 13 – column 12 line 23 and Figs. 6-7; see claim 1 above).

As to claim 4, the method of Fisher modified by Germain teaches providing a capability to enter payment authorization comprises locating a kiosk outfitted with said capability at point of play to be traversed by the cart during or at the end of said gratis trial period (Fisher: column 5 lines 52-54; Germain: column 11 line 13 – column 12 line 23 and Figs. 6-7; see claim 1 above).

As to claim 5, the method of Fisher modified by Germain teaches said capability comprises at least one of a credit, debit or smart card reader, a paper currency reader, a key pad, a touch sensitive screen, an optical scanner, a magnetic scanner, and a wireless communicator (Germain: column 11 line 13 – column 12 line 23 and Figs. 6-7).

Claims 6-7 are rejected for the similar reason as claim 1.

6. Claims 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fisher, U. S. Patent 5,507,485 in view of Germain, U. S. Patent 5,319,548.

As to claims 8-11, all the limitations are taught by Fisher modified by Germain as discussed in claim 1.

### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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***Inquire***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Cheung whose telephone number is (703)-305-0084. The examiner can normally be reached on Monday – Thursday from 8:00 AM to 5:30 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell, can be reached on (703) 305-9768.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

The fax phone number for the organization where this application or proceedings is assigned are as follows:

(703) 305-7687      (Official Communications; including After Final  
Communications labeled "BOX AF")

(703) 746-5619      (Draft Communications)

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, 7<sup>th</sup> Floor Receptionist.

Mary Cheung  
Patent Examiner  
Art Unit 3621  
June 24, 2004

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